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United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Nebraska Field Office
203 West Second Street
Grand Island, Nebraska 68801

April 15, 2005



Vernon A. Williams
Surface Transportation Board
Washington, D.C. 20423-0001

**RE: Control Number 6-5-I-112, BNSF Railway Company – Abandonment
Exemption, Hamilton and Merrick Counties (STB Docket No. AB-6 [Sub-No.
408X])**

Dear Mr. Williams:

This in further regard to the U.S. Fish and Wildlife Service's (Service), March 29, 2005, letter regarding the Surface Transportation Board's (STB) decision on the Burlington Northern and Santa Fe Company (BNSF) Railway Company – Abandonment Exemption in Hamilton and Merrick County, Nebraska. In that letter, we recommended that the STB reinstitute section 7 consultation under the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) based on any changes to the proposed project that would result in bridge modifications. In an April 12, 2005, telephone conversation with Mr. Rich Spady, Fort Worth – BNSF, it was identified that the project has changed to include the removal of the bridge spanning the Platte River. As a result, the Service recommends that the STB consider the information provided below with regard to making its assessment of potential impacts of the proposed project on federally listed species and designated critical habitat, and in making the "affect/no affect determination."

Least Tern and Piping Plover

The least tern, federally listed as endangered, and the piping plover, federally listed as threatened, nest on unvegetated or sparsely vegetated sandbars in river channels. The nesting season for the least tern and piping plover is from April 15 through August 15. Least terns feed on small fish in the river and piping plovers forage for invertebrates on exposed beach substrates. The Service has designated critical habitat for the northern Great Plains breeding population of the piping plover (i.e., 67 *Federal Register* 57638 dated September 11, 2002) on the Platte River from Lexington, Nebraska, downstream to its confluence with the Missouri River. Habitat included in the designation on the Platte River is comprised solely of river channel and riverine sandbars within the high banks.

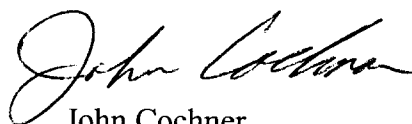
The Service recommends the proposed bridge removal project be accomplished outside of the April 15 and August 15 nesting period for the least tern and piping plover. However, if the work must be conducted during the nesting time period for these species, the Service further recommends that nesting surveys be conducted by a qualified biologist on riverine areas within 0.25 mile upstream and downstream of the project site. If a nest is observed within 0.25 mile of the bridge removal site, all construction activity shall stop pending further consultation with the Service. The Service will exempt the need for nest surveys within the project area if there are no flows in the river due to drought conditions.

The Service recommends continued section 7 consultation on the proposed project with the project applicant once the above requested information has been provided. The requested information, supplemented by previous studies, should assist the project applicant and the Service with the development of a supportable determination of affect and concurrence/ nonconcurrence, respectively with regards to the effect of the proposed project on the federally listed species and designated critical habitat.

In addition to the recommendations necessary for avoiding adverse impacts to least terns and piping plovers, the Service also recommends that bridge pilings and abutments be completely removed, or cut below the river bed surface elevation, and that bank stabilization structures, including rip-rap, are also be completely removed.

The Service appreciates the opportunity to provide comments on the proposed action. Should you have any questions regarding these comments, please contact Mr. Jeff Runge within our office at (308) 382-6468, extension 22.

Sincerely,



John Cochner
Acting Nebraska Field Supervisor

cc: NGPC; Lincoln, NE (Attn: Troy Rahmig)
Burlington Northern Santa Fe, 2500 Lou Menk Drive, AOB-3rd Floor, Fort
Worth, TX 76131; (Attn: Rich Spady)
USCOE; Omaha, NE (Attn: John Moeschen)